

RESOLUTION NO. 2004-03-02

A resolution approving a Memorandum of Understanding ("MOU") between Clark County and the Cowlitz Indian Tribe, a federally-recognized Indian tribe ("Tribe").

1 WHEREAS, the Tribe is seeking to have certain land located within the
2 unincorporated area of the county taken into trust by the United States Department of
3 the Interior; and

4 WHEREAS, the Tribe desires to develop such land for an as yet undetermined
5 economic purpose, which could include a casino; and

6 WHEREAS, the Tribe has sovereign immunity and trust land is not subject to
7 state and local laws and regulations, including taxation, zoning and land use
8 restrictions; and

9 WHEREAS, the Tribe has voluntarily entered into negotiations for this MOU and
10 has executed a limited waiver of sovereign immunity in favor of the County in
11 conjunction with the provisions of this MOU; and

12 WHEREAS, the MOU would commit the Tribe in the development and use of the
13 Clark County Site to: Be consistent with certain county development and environmental
14 protection ordinances; paying development and other processing fees; and compensate
15 law enforcement, the prosecuting attorney, courts, schools, and fire districts who
16 provide public services to the Tribe's trust land; and

17 WHEREAS, the Board concludes that entering into the MOU is in the best public
18 interest; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. Memorandum of Understanding Approved. The MOU and
associated documents are hereby approved.

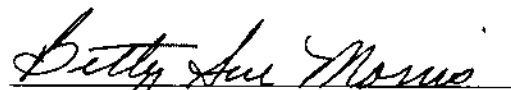
Section 2. Disclaimer. Nothing in this Memorandum of Understanding should
be construed as evidencing county support for or endorsement of the Tribe's trust
application. The Board has concerns that the trust application, if federally-approved,
would permit uses on this rural and resource land which otherwise would not be allowed
under the County's comprehensive land use plan, would permit gaming, which is
otherwise prohibited in unincorporated Clark County, and could potentially adversely
affect existing business.

ADOPTED this 2 day of March, 2004.

Attest:

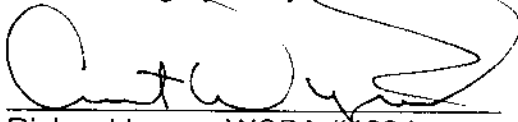
BOARD OF COMMISSIONERS
FOR CLARK COUNTY


Clerk to the Board

By: 
Betty Sue Morris, Chair

Approved as to form only:
ARTHUR D. CURTIS
Prosecuting Attorney

By: 
Judie Stanton, Commissioner


Richard Lowry, WSBA #4894
Chief Civil Deputy

By: 
Craig Pridemore, Commissioner

(Wyrick/Cowlitz Tribe/ Resolution approving MOU)